

## REMARKS

Applicants greatly appreciate the recognition of patentable subject matter in the present application.

Applicants respectfully request reconsideration of the remaining rejections for the reasons herein.

In addition, Applicants submit new claims 48-49 herewith which are supported at least by the teachings of Fig. 5 and the associated teachings of the specification and which are believed to be allowable over the prior art.

Claims 1, 2, 8-14, 16, 20, 23, 27, 28, 32-45 and 47 stand rejected under 35 U.S.C. 103(a) for obviousness over U.S. Patent Publication No. 2004/0046642 to Becker et al. in view of U.S. Patent No. 7,075,436 to Shanks et al. Claims 3 and 21 stand rejected under 35 U.S.C. 103(a) for obviousness over Becker in view of Shanks and further in view of U.S. Patent No. 6,927,692 to Petrinovic.

Applicants respectfully request reconsideration of the rejections.

Referring to independent claim 1, the office states on page 3 of the Office Action that Becker fails to teach or suggest the claimed limitations of *using the provided identification information, selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range.*

Applicants respectfully submit that Shanks also fails to teach the above-recited limitations, and accordingly the prior art references, even if combined, fail to teach positively-recited claim limitations.

In particular, the Office relies upon the teachings of Fig. 1, and cols. 3 and 31 of Shanks as teaching the above-recited limitations. Applicants have failed to uncover any disclosure of the above-recited limitations *including selection of one of a plurality of different search procedures* in such prior art teachings. More specifically, the teachings in col. 31, lines 32-43 and of Shanks refer to a *general read* interrogation method to interrogate a population of tags while the teachings in col. 3, lines 59+ of Shanks also refer to a *general read* of a plurality of tag devices in a population of tag devices. The teachings in col. 3, lines 35+ and col. 31, lines 55+ of Shanks disclose teachings for identifying a *specific single RFID tag*. The teachings of the methods of general and specific interrogation fail to teach selection of the methods themselves.

The claim recites selecting one of a plurality of different search procedures using the provided identification information regarding a group of wireless identification devices within the range of a reader. The Office has failed to identify any teachings in the prior art which disclose any selection of one of a plurality of different search procedures let alone the claimed selection using the provided identification information regarding the group of devices within the range of the reader.

Applicants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination and Applicants respectfully request reconsideration of the 103 rejection for at least this reason.

The claims which depend from independent claim 1 are in condition for allowance for the reasons discussed above with respect to the independent claim as

well as for their own respective features which are neither shown nor suggested by the cited art.

For example, Applicants also respectfully request reconsideration of the rejection of claim 2. In particular, the Office relies upon teachings in paragraphs 0056 and 0057 of Becker as teaching the limitations of claim 2. However, claim 2 recites that the selecting one of the different search procedures of claim 1 uses the identification information provided by determining a range of identifiers of the wireless identification devices which may be within the wireless communications range. The Office has stated on page 3 of the Office Action that Becker fails to teach the claimed selecting, and Applicants respectfully submit the teachings of paragraphs 0056 and 0057 of Becker (and the teachings of Shanks void of any selecting) fail to teach or suggest the above-recited combination of limitations recited in claims 1 and 2.

Applicants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination and Applicants respectfully request reconsideration of the 103 rejection for at least this reason.

Referring to claim 3, the Office relies upon the teachings of Petrinovic. However, the teachings of cols. 4-5 of Petrinovic relied upon by the Office refer to a quantity count which is used to determine the number of times that a single tag 118 (and associated item 116) is browsed as opposed to being purchased per col. 4, lines 42+. These teachings fail to disclose any information regarding a number of wireless identification devices which may be within the wireless communications range or that the selecting one of the different search procedures uses the identification information provided by

determining the number of wireless identification devices which may be within the wireless communications range as recited in claims 1, 2 and 3.

Applicants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination and Applicants respectfully request reconsideration of the 103 rejection for at least this reason.

Referring to independent claim 12, the Office states that Becker does not disclose the claimed limitations of *selecting one of a plurality of different search procedures using the identifyings of the first and second of the wireless identification devices within the wireless communications range of the reader*.

In addition, the Office relies upon the teachings of Fig. 1, and cols. 3 and 31 of Shanks as teaching the above-recited limitations. Applicants have failed to uncover any disclosure of the above-recited limitations in such prior art teachings. More specifically, these teachings of Shanks refer to a general read interrogation method and a method for identifying a *specific single RFID tag*.

However, the claim recites *selecting one of a plurality of different search procedures using the identifyings of the first and second of the wireless identification devices within the wireless communications range of the reader*. The Office has failed to identify any teachings in the prior art which disclose selection of one of a plurality of different search procedures let alone the claimed selection *using the identifyings of the first and second of the wireless identification devices within the wireless communications range of the reader*.

Applicants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination and Applicants respectfully request reconsideration of the 103 rejection for at least this reason.

The claims which depend from independent claim 12 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 20, the Office relies upon the teachings of paragraphs 0056-0059 of Becker as allegedly teaching the claimed analysis limitations. However, these Becker teachings merely disclose a method of having a single group of tags respond as opposed to all of the tags which fails to teach or suggest the claimed limitations of the *processing circuitry configured to analyze a number of wireless identification devices which may be present within the wireless communications range with respect to a range of identifiers of the wireless identification devices which may be present within the wireless communications range.*

Applicants respectfully submit the above-recited limitations are not disclosed by Becker or the teachings of the other prior art references and the 103 rejection is in error for this reason.

In addition, the Office states that Becker fails to disclose the positively-recited selection limitations of claim 20. The Office again relies upon the teachings of cos. 3 and 31 and Fig. 1 of Becker in support of the rejection and as teaching the selection limitations absent from Shanks. However, the teachings of Shanks relied upon by the

Office refer to a general read interrogation method to interrogate a population of tags or teachings for identifying a specific single RFID tag. The teachings of Shanks are void of teaching or suggesting selection of one of a plurality of methods let alone the claimed limitations of the processing circuitry configured to select one of a plurality of different search procedures or the processing circuitry configured to select one of a plurality of search procedures using analysis of a number of wireless identification devices which may be present within the wireless communications range with respect to a range of identifiers of the wireless identification devices which may be present within the wireless communications range.

Applicants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination and Applicants respectfully request reconsideration of the 103 rejection for at least this reason.

The claims which depend from independent claim 20 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 32, the Office states that Becker fails to teach the selecting limitations of claim 32 and the Office relies upon the teachings of cols. 3 and 31 and Fig. 1 as teaching the selecting limitations. The teachings of Shanks relied upon by the Office refer to a general read interrogation method to interrogate a population of tags or teachings for identifying a specific single RFID tag. The teachings of Shanks are void of teaching or suggesting the claimed selection of one of the plurality of

different search procedures let alone the claimed selection of one of the plurality of different search procedures using accessed information regarding a plurality of wireless identification devices which may be within the communications range of the reader.

Applicants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination and Applicants respectfully request reconsideration of the 103 rejection for at least this reason.

The claims which depend from independent claim 32 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Applicants hereby respectfully request reconsideration of the rejections and allowance of all pending claims.

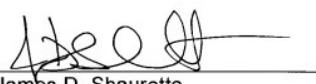
The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone)

Respectfully submitted,

Dated:

10/2/08

By:

  
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